

AMENDED IN SENATE JUNE 21, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2192

Introduced by Assembly Member Bass

February 22, 2006

An act to repeal and add Section 11251.3 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2192, as amended, Bass. CalWORKs.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families through a combination of state, county, and federal funds received through the federal TANF program.

Under federal law, an individual convicted under federal or state law of any offense—~~which~~ *that* is classified as a felony by the law of the jurisdiction involved, and *of* which has as an element the possession, use, or distribution of a controlled substance, as defined, shall not be eligible for assistance under any state program funded under provisions of federal law regarding the TANF program. Existing law authorizes a state to exempt any or all individuals domiciled in the state from the application of this prohibition.

Existing law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal

law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program. Existing law also requires a county to issue vouchers or vendor payments for at least rent and utilities payments for a family receiving aid that includes an individual who is ineligible for aid pursuant to these provisions.

This bill would, instead, provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKs benefits if he or she meets certain conditions of eligibility. This bill would ~~retain the existing law requirement that a county issue vouchers or vendor~~ *also require a county to, instead, only issue voucher* payments for at least rent and utilities payments for a family receiving aid that includes an ineligible individual, *until that individual completes a government-recognized drug treatment program.*

By revising standards of eligibility for benefits under the CalWORKs program, this bill would increase the responsibilities of counties, and would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

This bill would instead provide that no appropriation would be made for purposes of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11251.3 of the Welfare and Institutions
- 2 Code, as added by Section 1 of Chapter 283 of the Statutes of
- 3 1997, is repealed.

1 SEC. 2. Section 11251.3 of the Welfare and Institutions
2 Code, as added by Section 1 of Chapter 284 of the Statutes of
3 1997, is repealed.

4 SEC. 3. Section 11251.3 is added to the Welfare and
5 Institutions Code, to read:

6 11251.3. (a) Subject to the limitations of subdivisions (b),
7 (c), and (d), pursuant to Section 115(d)(1)(A) of Public Law
8 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of
9 the provisions of Section 115(a) of Public Law 104-193 (21
10 U.S.C. Sec. 862a(a)(1)), and persons convicted of drug-related
11 felonies shall be eligible to receive CalWORKs *benefits* under
12 this section.

13 (b) Subdivision (a) does not apply to a person who has been
14 convicted of unlawfully transporting, importing into this state,
15 selling, furnishing, administering, giving away, possessing for
16 sale, purchasing for purposes of sale, manufacturing a controlled
17 substance, possessing precursors with the intent to manufacture a
18 controlled substance, or cultivating, harvesting, or processing
19 marijuana or any part thereof pursuant to Section 11358 of the
20 Health and Safety Code.

21 (c) Subdivision (a) does not apply to a person who has been
22 convicted of unlawfully soliciting, inducing, encouraging, or
23 intimidating a minor to participate in any activity listed in
24 subdivision (b).

25 (d) As a condition of eligibility to receive CalWORKs *benefits*
26 pursuant to subdivision (a), an applicant convicted of a
27 drug-related felony that is not excluded under subdivision (b) or
28 (c) shall be required to provide proof of one of the following
29 subsequent to the most recent drug-related conviction:

30 (1) Completion of a government-recognized drug treatment
31 program.

32 (2) Participation in a government-recognized drug treatment
33 program.

34 (3) Enrollment in a government-recognized drug treatment
35 program.

36 (4) Placement on a waiting list for a government-recognized
37 drug treatment program.

38 (5) *Successful completion of a clean drug test, which,*
39 *following the receipt of benefits, the individual shall be required*
40 *to submit to the county of a quarterly basis.*

1 ~~(5)~~

2 (6) Other evidence that the illegal use of controlled substances
3 has ceased, as established by the State Department of Social
4 Services regulations.

5 (e) A county shall issue ~~vendor or~~ voucher payments for at
6 least rent and ~~utility~~ *utilities* payments for a family receiving aid
7 under this chapter that includes an individual who is ineligible
8 pursuant to this section, *until that individual completes a*
9 *government-recognized drug treatment program.*

10 (f) Notwithstanding the Administrative Procedure Act
11 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
12 Division 3 of Title 2 of the Government Code), the department
13 may implement this section through an all-county letter or similar
14 instructions from the director no later than January 1, 2007.

15 (g) (1) The department shall adopt regulations as otherwise
16 necessary to implement this section no later than July 1, 2007.
17 Emergency regulations adopted for implementation of this
18 section may be adopted by the director in accordance with the
19 Administrative Procedure Act.

20 (2) The adoption of emergency regulations shall be deemed to
21 be an emergency and necessary for immediate preservation of the
22 public peace, health and safety, or general welfare. The
23 emergency regulations shall be exempt from review by the Office
24 of Administrative Law. The emergency regulations authorized by
25 this section shall be submitted to the Office of Administrative
26 Law for filing with the Secretary of State and shall remain in
27 effect for no more than 180 days.

28 SEC. 4. No appropriation pursuant to Section 15200 of the
29 Welfare and Institutions Code shall be made for purposes of this
30 act.

31 SEC. 5. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.

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